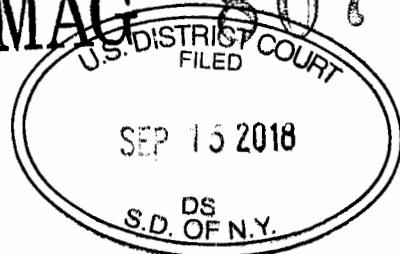


ORIGINAL

Approved: Dina McLeod
 DINA MCLEOD
 Assistant United States Attorney

18 MAG 8070



Before: THE HONORABLE KEVIN NATHANIEL FOX
 United States Magistrate Judge
 Southern District of New York

-----X
 :
 UNITED STATES OF AMERICA :
 :
 - v. - :
 :
 NANCY MARTINO-JEAN, :
 :
 Defendant. :
 :
 -----X

SEALED COMPLAINT

Violations of
 18 U.S.C. §§ 1343
 2315 and 2

 COUNTY OF OFFENSE:
 NEW YORK

SOUTHERN DISTRICT OF NEW YORK, ss.:

MICHAEL T. RYAN, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNT ONE
(Wire Fraud)

1. From at least in or about July 2018 up to and including at least in or about September 2018, in the Southern District of New York and elsewhere, NANCY MARTINO-JEAN, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, MARTINO-JEAN participated in a scheme to compromise the email account of a particular victim, and thereby directed a wire transfer in the amount of approximately \$1.7 million to a bank account controlled by MARTINO-JEAN.

(Title 18, United States Code, Section 1343 and 2.)

COUNT TWO
(Receipt of Stolen Funds)

2. From at least in or about July 2018 up to and including at least in or about September 2018, in the Southern District of New York and elsewhere, NANCY MARTINO-JEAN, received, possessed, concealed, stored, bartered, sold, and disposed of goods, wares, merchandise, securities, and money, of the value of \$5,000 and more, which had crossed a state boundary after being stolen, unlawfully converted, and taken, knowing the same to have been stolen, unlawfully converted, and taken, to wit, MARTINO-JEAN received approximately \$1.7 million in proceeds of a fraud scheme via a wire transfer from a bank in New York to a bank account in Florida controlled by MARTINO-JEAN.

(Title 18, United States Code, Section 2315 and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

3. I am a Special Agent with the FBI and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation of this matter, my conversations with law enforcement agents, witnesses, and others, as well as my examination of report and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated. Where figures, calculations, and dates are set forth herein, they are approximate, unless stated otherwise.

4. Based on my training and experience, I know that phishing is a computer hacking technique in which emails are sent to a target seeking to induce action that would allow the sender to obtain unauthorized access to the recipients victim's computer system. This can be accomplished in a number of ways, including, but not limited to, tricking the target into unwittingly providing his or her account login credentials to allow the attacker to remotely log into, and obtain unauthorized access to, the victim's online accounts.

5. Based on my interview with Victim-1 and an interview with the Chief Financial Officer of Company-1 ("Employee-1") and based on my review of email communications provided by Company-1, I am aware of the following, in substance and in part:

a. Company-1 is a financial firm located in Manhattan, New York.

b. In the summer of 2018, Victim-1 was due a partnership distribution of approximately \$2 million (the "Distribution").

c. On or about July 12, 2018, an email was sent from Victim-1's corporate email address ("Email Address-1") to Employee-1 at Employee-1's corporate email address ("Email Address-2"), asking that Employee-1 wire approximately \$1.7 million of the Distribution to a particular account ("Account-1"). Based on my interview with Victim-1, I know that Victim-1 sent this email.

d. On or about July 22, 2018, Victim-1 received an phishing email purporting to be from the "Microsoft Support Team" ("Phishing Email-1") with the heading "[ACTION REQUIRED] Inbox at 95% - (7) incoming messages failed to deliver to your inbox at July 22, 2018." Phishing Email-1 directed Victim-1 to click on a link in order to free up space in Victim-1's mailbox.

e. Clicking the link in Phishing Email-1 led Victim-1 to a webpage designed to appear like a Microsoft Corporation log-in page (the "Scam Webpage"). Victim-1 entered his email credentials on the Scam Webpage.

f. On or about July 25, 2018, an email ("Scam Email-1") was sent from Email Address-1 to Employee-1 at Email Address-2, stating, in substance and in part: "As a follow up to this email thread, I still intend on distributing the funds as stated, but would want the remainder \$1.7mm to go into another of my brokerage accounts not [Account-1]. I will be sending you the wiring instructions to facilitate this transfer." Based on my interview with Victim-1, I know that Victim-1 did not send this email.

g. Also on or about July 25, 2018, Employee-1 responded to Email Address-1, in substance and in part, "Ok, noted. . . . Please send over instructions as soon as you get them . . ."

h. Later that same day, an email ("Scam Email-2") was sent from Email Address-1 to Employee-1 at Email Address-2, stating, in substance and in part: "[P]lease find attached the wiring instructions as promised. I know you have all the wires scheduled for the 31st of July but I do want the \$1.7mm to be sent out first thing tomorrow morning. The rest should go out as scheduled on the 31st. Please send me a confirmation email when it's done tomorrow. Thanks very much." Attached to the email was a PDF file (the "PDF File"). Based on my interview with Victim-1, I know that Victim-1 did not send this email.

i. The PDF File was entitled "Wire Instructions" and contained, among other things, information related to a certain bank account ("Account-2") held at a particular bank ("Bank-1"), including the account name and number, and the routing code for Account-2.

j. On or about July 25, 2018, Employee-1, in an email to a bank employee located in Manhattan, New York, authorized the wire to Account-2.

k. On or about July 26, 2018, per the purported instructions provided to Employee-1, approximately \$1.7 million was wired to Account-2 (the "Fraudulent Wire").

6. Based on my review of bank records related to Account-2, I have learned the following, in substance and in part:

a. Account-2 is held in the name of a certain corporation ("Company-2") with a Florida address.

b. NANCY MARTINO-JEAN, the defendant, is the sole signatory on Account-2.

c. On or about July 26, 2018, the Fraudulent Wire was credited to Account-2.

d. Prior to the Fraudulent Wire being sent to Account-2, Account-2 held a negative balance of approximately -\$4,643.93.

e. As described below, between in or about July 30, 2018 and in or about August 6, 2018, the vast majority of the funds sent to Account-2 via the Fraudulent Wire were wired out of Account-2 in a series of wire transfers.

f. On or about July 30, 2018, three wire transfers were sent from Account-2, in the amounts of \$700, \$700, and \$1000.

g. On or about July 31, 2018, a wire transfer was sent to Account-2 in the amount of approximately \$28,465. Also on or about July 31, 2018, seven wire transfers were sent from Account-2, in the amounts of \$7,000, \$10,000, \$28,500, \$30,000, \$50,000, \$70,000, and \$780,000.

h. The wire transfer in the amount of \$780,000 referenced above in subparagraph (g) was sent to the bank account of a title services company ("Company-3"), held at a certain bank ("Bank-2").

i. On or about August 1, 2018, a wire transfer was sent to Account-2 in the amount of approximately \$1,000.

j. On or about August 2, 2018, a wire transfer was sent to Account-2 in the amount of approximately \$249,965. Also on or about August 2, 2018, six wire transfers were sent from Account-2 in the amounts of \$11,910, \$17,000, \$25,000, \$125,000, \$150,000, and \$250,000.

k. The wire transfer in the amount of \$150,000 referenced above in subparagraph (j) was sent to the bank account of Company-3.

l. On or about August 3, 2018, a wire transfer was sent from Account-2 in the amount of \$200,000.

m. On or about August 6, 2018, a wire transfer was sent to Account-2 in the amount of approximately \$49,965. Also on or about August 6, 2018, a wire transfer was sent from Account-2 in the amount \$50,000.

7. Based on my interview with the owner of Company-3 ("Individual-1"), I have learned the following, in substance and in part:

a. Individual-1 has provided occasional title services to NANCY MARTINO-JEAN, the defendant, since approximately 2012, and understands MARTINO-JEAN to be a real estate agent and mortgage broker.

b. Individual-1 was shown a photograph of NANCY MARTINO-JEAN obtained from motor vehicle records and Individual-1 identified the person in the photograph as MARTINO-JEAN.

c. Individual-1 had been expecting a wire transfer from MARTINO-JEAN for the purpose of making mortgage payments.

However, the wire that Company-3 received from MARTINO-JEAN on July 31, 2018 was far in excess of the mortgage pay-off amounts.

d. Individual-1 spoke with MARTINO-JEAN about the \$780,000 wire transfer into Company-3's account, and MARTINO-JEAN stated, in sum and substance, that the source of the money was an inheritance from her mother's estate in Haiti. When Individual-1 asked why the wire transfer exceeded the mortgage pay-off amount, MARTINO-JEAN replied that the additional money was for other real estate purchases she intended to make.

e. Individual-1 was not expecting the wire transfer from Account-2 in the amount of \$150,000 on or about August 2, 2018. When Individual-1 asked MARTINO-JEAN the purpose of the funds, MARTINO-JEAN replied, in sum and substance, that the funds were an interest-free loan to Individual-1 to assist Individual-1 in a home that Individual-1 was building.

f. At some point after the \$780,000 wire transfer was credited to Company-3's bank account at Bank-3, Bank-3 informed Individual-1 that the originating bank was requesting the return of the \$780,000 on suspicion of fraud. Individual-1 spoke to MARTINO-JEAN and informed her of that information. MARTINO-JEAN reiterated that the source of the funds was her mother's inheritance in Haiti.

g. On or about September 11, 2018, Individual-1 again spoke to MARTINO-JEAN and MARTINO-JEAN insisted that the funds were not fraudulent and that Bank-1 had told MARTINO-JEAN that there was no fraud.

h. On or about September 14, 2018, the FBI was informed that MARTINO-JEAN was scheduled to leave the United States for Haiti on or about September 16, 2018.

WHEREFORE, I respectfully request that a warrant be issued for the arrest of NANCY MARTINO-JEAN the defendant, and that she be arrested and imprisoned or bailed, as the case may be.

S/ Michael T. Ryan
MICHAEL T. RYAN
Special Agent
Federal Bureau of Investigation

Sworn to before me this
15th day of September, 2018

Kevin Nathaniel Fox
THE HONORABLE KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK

WHEREFORE, I respectfully request that a warrant be issued for the arrest of NANCY MARTINO-JEAN the defendant, and that she be arrested and imprisoned or bailed, as the case may be.



MICHAEL T. RYAN
Special Agent
Federal Bureau of Investigation

Sworn to before me this
15th day of September, 2018



THE HONORABLE KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK